

EXHIBIT 2

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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

INDEX NEWSPAPERS, LLC, *et al.*,

Plaintiffs.

v.

CITY OF PORTLAND, *et al.*,

Defendants.

Case No. 3:20-cv-1035-SI

**DEFENDANT U.S. MARSHALS
SERVICE'S OBJECTIONS AND
RESPONSES TO PLAINTIFFS'
EXPEDITED FIRST SET OF
INTERROGATORIES TO
DEFENDANT U.S. MARSHALS
SERVICE**

Pursuant to Federal Rule of Civil Procedure 33, Defendant United States Marshals Service (USMS), by and through undersigned counsel, hereby submit the following objections and responses to Plaintiffs' Expedited First Set of Interrogatories.

INTERROGATORY NO. 1:

Identify all **persons**, including all agents, representatives, consultants, attorneys, contractors, and any other persons acting under **your** control or behalf who were on duty or present at the Hatfield Courthouse between 5:00 p.m. on July 23, 2020, and 5:00 a.m. on July 24, 2020, and between the same times every following night, pursuant to **your** duty to supplement discovery disclosures under Federal Rule of Civil Procedure 26(e).

RESPONSE:

USMS objects to this request as unduly burdensome, not relevant to the Plaintiffs' claims, and not proportionate to the needs of the case. The names of all individuals on duty or present is not relevant to Plaintiffs' claims that USMS, by policy, targeted journalists and legal observers. In addition, law enforcement officials in Portland have been subject to threats and doxing, a concern expressly recognized by the Court during the July 31, 2020 hearing. The identification of all individuals on duty or present at the Hatfield Courthouse greatly increases the likelihood that these individuals would be subject to harassment. Accordingly, USMS will not provide information in response to Plaintiffs' Interrogatory No. 1.

INTERROGATORY NO. 2:

If **you** denied any of Plaintiffs' Requests for Admission, explain why.

RESPONSE:

USMS objects to this request because it contains multiple discrete subparts. *See Jovanovich v. Redden Marine Supply, Inc.*, No. C10-924-RSM, 2011 WL 445917, *2 (W.D. Wash. Sept. 26, 2011) (holding that an interrogatory that asks for explanation as to denials of requests for admissions "should be construed as containing a subpart for each request for admission contained in the set.") (quotation omitted). USMS refers Plaintiffs to USMS's responses to Plaintiffs' Requests for Admissions, which provides USMS's explanations for each request for admission denied in part or in full.

INTERROGATORY NO. 3:

Identify all steps that **you** have taken to comply with the TRO.

RESPONSE:

USMS refers Plaintiffs to USMS's Filing of Declarations Addressing Compliance with the Court's Temporary Restraining Order, Dkt. No. 105, which describes the steps USMS has taken to comply with the TRO.

INTERROGATORY NO. 4:

Identify all efforts **you** have made to de-escalate or avoid violence at any protest in Portland since May 26, 2020.

RESPONSE:

USMS objects to this request as unduly burdensome. In order to respond to this interrogatory, USMS would need to interview every single officer on the ground about every single encounter with a protestor to determine what de-escalation techniques he or she used, if any. Additionally, USMS objects to this interrogatory as irrelevant to the claims raised in Plaintiffs' complaint. How USMS avoids violence at a protest is not relevant to Plaintiffs' claims that USMS, through policy, targeted journalists and legal observers at the Portland protests. Accordingly, USMS will not provide information in response to Plaintiffs' Interrogatory No. 4.

As to the interrogatories, see Attachment A.

As to the objections:

Dated: August 4, 2020

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For the responses to Plaintiffs' Interrogatories Nos. 1-4, I declare under penalty of perjury that the foregoing is true and correct as it relates to the United States Marshals Service.

A handwritten signature in black ink, reading "Andrew Smith". The signature is written in a cursive style with a horizontal line underneath the name.

Andrew Smith
United States Marshals Service

CERTIFICATE OF SERVICE

I certify that on this day, I served the foregoing Defendant U.S. Marshal Service's Objections and Responses to Plaintiffs' Expedited First Set of Interrogatories via electronic mail on the following attorney of record:

Matthew Borden
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351 California Street, Tenth Floor
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This 4th day of August, 2020.

/s/ Joshua E. Gardner